

### **REMARKS**

Claims 1-32 are currently pending in the subject application and are presently under consideration. Claims 18, 23, 30, 31, and 32 have been amended as shown on pages 2-7 of the reply. Claims 22, 29 and 33 are cancelled. Claims earlier numbered as 31, 32 and 33 are now renumbered as 30, 31, and 32 in order to overcome the Examiner's objection. In addition, applicants' representative notes with appreciation the indication that claims 1-17 are allowed and claims 22, 29 and 33 would be allowable if recast in independent form to include all limitations of respective base claims and any intervening claims. To this end, independent claims 18, 23, and 31 have been amended to comport with the Examiner's recommendation and it is now believed that independent claims 18, 23, and 31 and associated dependent claims are in condition for allowance.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection of Claim 30**

Claim 30 is objected to because of minor informalities. Claims 31-34 have been renumbered as 30-33. In view of this amendment, it is requested that this objection be withdrawn.

#### **II. Rejection of Claims 18-21, 23-28 and 30-32 Under 35 U.S.C. §102(e)**

Claims 18-21, 23-28 and 30-32 stand rejected under 35 U.S.C. §102(e), as being anticipated by Hamilton, *et al.* (U.S. 6,496,499). This rejection should be withdrawn for at least the following reasons. The subject independent claims have been amended herein to include the allowed subject matter.

Applicants' claimed invention teaches a system and method that reorders data packets in a transmission queue of a radio system when an error occurs during the transmission of a data packet to any destination address. Thus, it mitigates the need for devices to remain idle during retries associated with the retransmission of data packets to a destination address upon occurrence of an error as taught in conventional systems. Hamilton, *et al.* on the other hand, relates to such a conventional wireless network containing a plurality of isochronous mobile devices communicating with a radio frequency access point. All mobile devices in a particular

cell compile and maintain identical transmission time ordered lists, which are used to control access to the wireless network. This prevents collision of transmitted data. At page 3 of the subject Office Action, the Examiner contends that the reference teaches the claimed aspects of the invention at col.18 lines 20-45. Applicants' representative respectfully disagrees, especially in view of col.18 lines 20-27. However, in order to expedite prosecution, allowed subject matter has been incorporated into the independent claims. Therefore withdrawal of this rejection and allowance of the claims is requested.

### **CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP205USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731